

EXHIBIT 2

Exhibit 2, OPS

**Removal and Disposition of Weapons –
Domestic Incidents/Threats to Public Safety OPS 10023 2**

	<p>credible threat to the physical safety of such intimate partner or child; or</p> <p>(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or</p> <p>(9) has been convicted in any court of a misdemeanor crime of domestic violence.</p>
DEFINITIONS	Firearms: [See Glossary]
SCOPE	All Members of the Force.
SOURCES	<p>18 USC §922. Federal Gun Control Act.</p> <p>NYS CPL §265. (Firearms and Other Dangerous Weapons) §400. (License to Carry, Possess, Repair and Dispose of Firearms)</p>
RULES	No new rules within this procedure.
REPLACES	OPS 10023 Revision 1, dated 08/05/2011.
PROCEDURE	A. Removal of Firearms, Rifles and Shotguns
Police Officer	<ol style="list-style-type: none"> <i>Confiscates</i> illegally possessed firearms, rifles, and shotguns <i>and</i> <ol style="list-style-type: none"> if present, <i>arrests</i> the offender, [See OPS 2115] <i>processes</i> the evidence. <i>Confiscates</i> pistol licenses and licensed firearms when the licensee is: <ol style="list-style-type: none"> arrested, the subject of an order of protection, involved in physical violence or the threat of violence. <p>Note: A pistol license is a privilege. Any licensed pistol holder who refuses to surrender his pistol license and/or firearm(s) upon lawful request must be reported to the Licensing agency.</p> <i>Confiscates</i> legally possessed firearms, rifles and shotguns when such firearms, rifles and shotguns create a threat of violence or threat to the public safety. <i>Accepts</i> legally possessed firearms, rifles, and shotguns that are voluntarily surrendered by persons. <i>Renders</i> firearms, rifles, and shotguns safe. <i>Prepares</i> PDCN Form 41, Property Receipt, <i>and</i> <ol style="list-style-type: none"> <i>gives</i> a copy to the owner, <i>forwards</i> a copy to the Precinct Domestic Incident Liaison Officer. <i>Invoices</i> the confiscated property.
	B. Licensed Firearms Investigation
RB Pistol License Section Investigator	<ol style="list-style-type: none"> <i>Conducts</i> a pistol license incident investigation and <i>prepares</i> recommendations regarding the following: <ol style="list-style-type: none"> disposition of the licensed firearms,

**Removal and Disposition of Weapons –
Domestic Incidents/Threats to Public Safety OPS 10023 2**

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| | <ul style="list-style-type: none"> b. reinstatement of the pistol license, c. suspension or revocation of the pistol license. |
| RB Pistol License
Section Investigator | 2. <i>Reports</i> the results of the investigation to a Records Bureau (RB) Pistol License Section Supervisor and <i>recommends</i> actions to be taken. |
| RB Pistol License
Section Supervisor | <ul style="list-style-type: none"> 3. <i>Reviews</i> the investigator's report and recommendations. 4. <i>Forwards</i> a copy of the investigator's report and recommendations to the Precinct Domestic Incident Liaison Officer of the precinct of occurrence. |
| Precinct Domestic
Incident Liaison
Officer | <ul style="list-style-type: none"> 5. <i>Reviews</i> the investigator's report and recommendations. 6. <i>Confers</i> with a Pistol License Section Supervisor regarding the recommendations. |
| RB Pistol License
Section Supervisor | 7. <i>Prepares</i> and <i>forwards</i> a narrative report [See Glossary] to the Chief of Department detailing the results of the investigation and recommendations. |
| Chief of the
Department | 8. <i>Reviews</i> the narrative report and the recommendations and <i>notifies</i> the Records Bureau Commanding Officer of his decision. |
| Records Bureau
Commanding Officer | 9. <i>Follows</i> the direction of the Chief of Department. |
| RB Pistol License
Section Investigator | <ul style="list-style-type: none"> 10. <i>Notifies</i> the Precinct Domestic Incident Liaison Officer whenever firearms are to be returned, and <ul style="list-style-type: none"> a. if previously confiscated rifles and shotguns are still being held: <ul style="list-style-type: none"> (1) <i>notifies</i> the Precinct Domestic Incident Liaison Officer that these rifles and shotguns can be released, (2) <i>includes</i> any rifles and shotguns along with licensed firearms when preparing PDCN Form 83, Property Disposition Form, (3) <i>forwards</i> internal correspondence regarding reinstatement of pistol license, to the Precinct Domestic Incident Liaison Officer. |
| | C. Rifles and Shotguns Investigation |
| Precinct Domestic
Incident Liaison
Officer | <ul style="list-style-type: none"> 1. <i>Reviews</i> all incidents involving confiscation of rifles and shotguns as soon as possible. 2. <i>Determines</i> if the confiscation of rifles and shotguns was appropriate. 3. <i>Ensures</i> the immediate return of confiscated rifles and shotguns in the following situations: <ul style="list-style-type: none"> a. confiscation was inappropriate, b. new information is learned which makes the confiscation inappropriate. 4. <i>Initiates</i> an administrative review to determine if a legal impediment exists <i>not</i> to return confiscated rifles and shotguns. |

Removal and Disposition of Weapons – Domestic Incidents/Threats to Public Safety OPS 10023 2

Precinct Domestic
Incident Liaison
Officer

5. *Mails* the following forms, return receipt requested, to the owner of the rifles and shotguns:
 - a. PDCN Form 173, Long Gun Review Record, *and*
 - b. Long Gun cover letter.
6. *Forwards* the following *mandatory* information to the Desk Personnel and *directs* them to request a National Crime Information Computer (NCIC) inquiry, using the QICS format, to determine if there is any information that would prohibit a return of firearms, rifles, and shotguns under the Federal Gun Control Act [See Definition]:
 - a. name,
 - b. sex,
 - c. race,
 - d. date of birth,
 - e. state of residence.

Note: A social security number *is not* mandatory but should also be forwarded, if available.

Desk Personnel

7. *Completes* the QICS format on the NYSPIN computer and *transmits* to the Teletype Section.

PCO Teletype
Section

8. *Enters* the QICS into NYSPIN and *transmits* to the NYSP.
9. *Receives* reply from NYSPIN and *performs* a Criminal History Check in the eJusticeNY if there is any indication of criminal history.

Desk Personnel

10. *Faxes* the results to the requesting Desk Personnel.
11. *Forwards* the results to the Precinct Domestic Incident Liaison Officer.

Precinct Domestic
Incident Liaison
Officer

12. *Determines* if any of the following conditions exist:
 - a. the owner is prohibited from possessing rifles or shotguns under the Federal Gun Control Act,
 - b. the owner has a relevant pending court disposition,
 - c. the owner is a subject of an order of protection,
 - d. the owner has a relevant Nassau County arrest history,
 - e. domestic incidents have occurred since the time of the confiscation or voluntary surrender,
 - f. other extenuating circumstances which indicate that rifles and shotguns should not be returned.
13. *Interviews* the investigating detective, if the Detective Division was involved in the initial incident.
14. *Interviews* the victim of a domestic incident, outside the presence of the offender, to determine the following:
 - a. current status of the relationship,
 - b. if there have been any threats since the initial incident,
 - c. whether the victim believes that the rifles and shotguns can be safely returned,
 - d. any other circumstances relevant to the return of the rifles and shotguns.

Removal and Disposition of Weapons – Domestic Incidents/Threats to Public Safety OPS 10023 2

Precinct Domestic
Incident Liaison
Officer

15. *Reviews* the gathered information to determine if the rifles and shotguns should continue to be held or be returned.
16. If notified by a Pistol License Section Supervisor that the owners license has been reinstated:
 - a. *prepares* a brief narrative report outlining the investigation, *indicating* that Pistol License Section has concluded a pistol license investigation and is reinstating the owners license, *and*
 - b. *forwards* the following to the Patrol Division Domestic Incident Coordinator:
 - (1) narrative report,
 - (2) copy of internal correspondence received from Pistol License Section regarding the reinstatement of pistol license. [End of Procedure]
17. *Prepares* a brief narrative report outlining the investigation, including a recommendation as to whether the rifles and shotguns should be returned.
18. *Prepares* the following forms, if the rifles and shotguns will be returned:
 - a. PDCN Form 83, and
 - b. PDCN Form 110, Property Bureau Notice to Claimant Card.

Patrol Division
Domestic Incident
Coordinator

19. *Forwards* the following to the Patrol Division Domestic Incident Coordinator:
 - a. narrative report,
 - b. PDCN Form 83, if prepared,
 - c. PDCN Form 110, if prepared.
20. *Reviews* the narrative report and *confers* with the Precinct Domestic Incident Liaison Officer.
21. *Advises* the Precinct Domestic Incident Liaison Officer to *either*:
 - a. continue to hold the rifles and shotguns, *or*
 - b. return them to the owner.
22. *Forwards* the following forms to Property Bureau (PB) if the rifles and shotguns will be returned:
 - a. PDCN Form 83, and
 - b. PDCN Form 110.

Precinct Domestic
Incident Liaison
Officer

23. If the shotguns and rifles *will not* be returned, *notifies* Legal Bureau to initiate legal proceedings.
24. *Notifies* the following regarding the status of the rifles and shotguns:
 - a. victim, if one exists,
 - b. owner, only if rifles and shotguns will be returned.
25. *Notifies* PB to destroy firearms, rifles and shotguns in the following situations:
 - a. owner can not be located,

**Removal and Disposition of Weapons –
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Precinct Domestic
Incident Liaison
Officer
Property Bureau
Personnel

- b. owner does not want rifles and shotguns returned,
- c. an investigation reveals a legal impediment still exists not to return the rifles and shotguns.

Note: The Liaison Officer should take into consideration if rifles and shotguns should continue to be held for reasons such as court orders, which *temporarily* prohibit the owner from possessing such rifles and shotguns.

- 26. *Maintains* written records of all actions taken regarding confiscated or voluntarily surrendered rifles and shotguns.
- 27. *Upon receipt* of PDCN Form 83 and PDCN Form 110:
 - a. *mails* PDCN Form 110, return receipt requested, to the owner of the rifles and shotguns, and
 - b. *files* PDCN Form 83.